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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Richard A. Ross)	Group Art Unit: 2172
)	
Serial No.: 09/602,713)	Examiner: Hosain T. Alam
)	
Filing Date: 06/26/2000)	Confirmation No.: 2885
)	
Title: METHODS FOR PROCESSING)	
CONDENSED COMPUTER CODE)	
)	
Atty. Dckt. No.: 90990020-4)	

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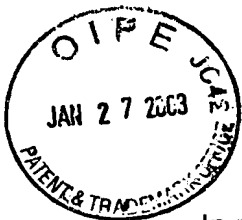
APPEAL BRIEF

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Technology Center 2100

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APPEAL BRIEF

To The Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

This Appeal Brief is submitted in response to the Examiner's final rejection of applicant's claims 22-23, as originally set forth in the Examiner's Final Office Action dated September 3, 2002, and as confirmed in the Examiner's Advisory Action dated November 14, 2002. A Notice of Appeal was filed on November 25, 2002.

Real Party in Interest

The real party in interest is Hewlett Packard Company, assignee of the above-captioned patent application. Hewlett Packard Company is a Delaware Corporation having its principal place of business in Palo Alto, California.

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Related Appeals and Interferences

There are no related appeals and/or interferences.

Status of Claims

Applicant appeals from the final rejection of claims 22-23, the text of which are set forth in Appendix A. Claims 1-21 were canceled. Claims 24-31 were subjected to a Restriction Requirement, and have been withdrawn from consideration.

Status of Amendments

The application, including the claims on appeal, has not been amended.

Summary of Invention

The invention set forth in applicant's claim 22 is a method of resolving condensed computer code having a plurality of types of code structures. The method comprises reading a list of identifiers for each type of code structure (see Figure 12, 820, 830, 840). Each list of identifiers includes an index reference corresponding to each of the identifiers in the list (see Application, p. 28, lines 16-19; p. 28, line 34 - p. 29, line 1; p. 29, line 15-17). Each of the index references in the condensed computer code is replaced with the respective identifier corresponding to each respective index reference (see Application, p. 28, lines 24-27; p. 29, lines 5-8; p. 29,

lines 22-25).

In the embodiment of claim 23, the method of claim 22 is further defined as having code structures comprising classes, methods, and fields (see Application, p. 10, lines 9-12). The lists that are read for each type of code structure comprise a list of classes, a list of methods, and a list of fields.

Issues

I. Whether claim 22 should be rejected under 35 U.S.C. §102(e) as being anticipated by Hamby et al. (U.S. Pat. No. 5,848,274; hereinafter referred to as "Hamby").

II. Whether claim 23 should be rejected under 35 U.S.C. §102(e) as being anticipated by Hamby.

Grouping of Claims

For purposes of appeal, Applicant requests that the claims be grouped as follows:

Group 1: claim 22,

Group 2: claim 23.

Argument

I. The first issue on appeal is whether claim 22 should be rejected under 35 U.S.C. §102(e) as being anticipated by Hamby et al. (U.S. Pat. No. 5,848,274; hereinafter referred to as "Hamby").

Hamby's teachings are directed to providing an "efficient methodology for dynamically adding program elements to a program under execution" (Hamby, Abstract, lines 10-12). To this end, Hamby discloses an "incremental byte code compiler" that provides an "execution environment" comprising:

...an incremental byte code compiler for generating IL symbols and code objects from a byte code source file, ***a persistent symbol table for storing the IL symbols and code objects***, and an incremental imager for dynamically forming the image of the program from the code objects.

Hamby, Abstract, lines 5-10 (emphasis added).

As further disclosed by Hamby, "Code objects and IL symbols are low level data structures used to create an image, i.e., the "program"" (Hamby, col. 6, lines 9-10), with a "code object" being "the fully translated machine language implementation of a function definition, or the initial value of a variable. . ." (Hamby, col. 6, lines 5-7).

The Advisory Action dated November 14th, 2002 stated that Applicant appeared to be conducting a piecemeal analysis of Hamby. Although the Hamby excerpts set forth in the preceding paragraph represent only a small portion of the Hamby reference, Applicant earnestly submits that the above discussion accurately represents the teachings of Hamby.

Applicant respectfully submits that Hamby does not describe the invention recited in his claim 22, which recites:

A method of resolving condensed computer codes having a plurality of types of code structures, each of the types of code structures including a plurality of index references, the method comprising the steps of:
reading a list of identifiers for each type of code structure, each list including an index reference corresponding to each of the identifiers in the list; and

replacing each of the index references in the computer code with the respective identifier corresponding to each respective index reference.

Examples of index references and identifiers are disclosed in Applicant's specification. For example, Applicant's specification states that an "index reference" is "typically an integer which corresponds to the position of the corresponding identifier within one of the lists, although the index references can be of virtually any form, such as strings." (Application, p. 19, lines 27-31). Applicant's specification further states that an "identifier" is, for example, "the name of a unique class, method or field" (Application, p. 10, lines 32-33).

In rejecting claim 22, the Office Action dated March 26, 2002 equates claim 22's recitation of "reading a list of identifiers for each type of code structure, each list including an index reference corresponding to each of the identifiers in the list" with the operation of Hamby's "Incremental Imager which forms the program image from code objects and their respective intermediate language (IL) symbols stored in a persistent symbol table" (3/26/2002 Office Action, p. 3, lines 5-8; Hamby, col. 5, lines 55-57). The September 3, 2002 Office Action equates claim 22's "index references" with Hamby's "IL symbols" (9/3/02 Office Action, p. 3, lines 10-12).

Hamby illustrates a portion of a persistent symbol table in FIG. 11. As discussed above, Hamby teaches that the persistent symbol table stores IL symbols and code objects. Hamby further teaches that IL symbols "point to code objects" (see, e.g., IL symbol 1140 pointing to code object 1200 in FIG. 11; and col. 22, lines 35-37). If, as the Examiner asserts, claim 22's "index references" are to be equated with Hamby's IL symbols, then claim 22's "identifiers" would have to correspond to

Hamby's code objects. However, since Hamby defines a code object to be "the fully translated machine language implementation of a function definition, or the initial value of a variable. . ." (Hamby, col. 6, lines 5-7), it seems clear to Applicant that ***Hamby's code objects cannot be equated with the "identifiers" recited in claim 22.***

At most, Hamby discloses replacing an IL symbol with the actual code the symbol represents. Hamby does not disclose replacing an index reference with any sort of identifier.

Claim 22 further requires: "replacing each of the index references in the computer code with the respective identifier corresponding to each respective index reference." Since Hamby fails to disclose an "identifier" corresponding to an "index reference", it necessarily follows that Hamby cannot teach the replacement of an index reference with its respective identifier.

For at least the reasons discussed above, Applicant respectfully submits that Hamby does not describe nor suggest the invention set forth in Applicant's Claim 22. Claim 22 is therefore believed to be allowable.

II. The second issue on appeal is whether claim 23 should be rejected under 35 U.S.C. §102(e) as being anticipated by Hamby.

Claim 23 depends on claim 22 and is believed to be allowable for at least the reasons discussed above. Additionally, claim 23 recites:

The method of claim 22, wherein:
the types of code structures comprise classes, methods, and fields; and
reading the list of identifiers for each type of code structure comprises
reading a list of classes, a list of methods, and a list of fields.

The Office Action dated September 3, 2002 stated that claim 23 is anticipated by Hamby because "Hamby teaches byte codes such as Java" (Office Action of 09/03/02, p. 3, ¶ 5, lines 1-3). The cited section of Hamby states that the "incremental image formation technology enables the support of dynamically linked languages such as Java" (col. 9, lines 15-17). Applicant fails to understand how Hamby's teaching that an incremental imager supports Java has any bearing at all on the allowability of his claim 23.

The Office Action dated March 26, 2002 correlated the symbol table of Hamby with the lists of identifiers for each type of code structure recited in claim 22 (Office Action of 3/26/02, p. 3, lines 1-3). While Hamby discloses a symbol table with "a large set" of data objects (Hamby, col. 12, lines 1-3), it is noted that the symbol table is a specialized type of symbol table containing code objects (fully translated machine language implementation of a function definition) and intermediate language symbols (see Hamby, col. 6, lines 5-7, col. 12, lines 55-58). There is no teaching or suggestion that the symbol table contains a "list of identifiers for each type of code structure". Accordingly, there is also no teaching or suggestion that the symbol table contains a list of identifiers for classes, a list of identifiers for methods, and a list of identifiers for fields. Hamby has no motivation to have such lists because its symbol table contains code objects that are *fully translated machine language*. Applicant therefore respectfully submits that claim 23 is allowable.

Conclusion

In summary, the art of record does not teach the invention set forth in applicant's claims 22- 23. Claims 22-23 are therefore believed to be allowable.

Respectfully submitted,
DAHL & OSTERLOTH, L.L.P.

By: 

Gregory W. Osterloth
Reg. No. 36,232
555 Seventeenth Street, Suite 3405
Denver, CO 80202
Tel: (303) 291-3200
FAX: (303) 291-3201

Appendix A: Claims

22. A method of resolving condensed computer code having a plurality of types of code structures, each of the types of code structures including a plurality of index references, the method comprising the steps of:

reading a list of identifiers for each type of code structure, each list including an index reference corresponding to each of the identifiers in the list; and

replacing each of the index references in the computer code with the respective identifier corresponding to each respective index reference.

23. The method of claim 22, wherein:

the types of code structures comprise classes, methods, and fields; and

reading the list of identifiers for each type of code structure comprises reading a list of classes, a list of methods, and a list of fields.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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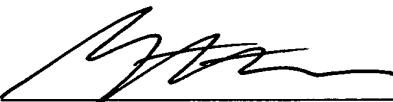
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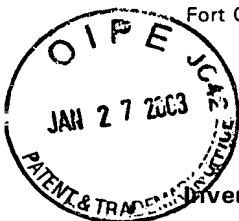
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CERTIFICATE OF EXPRESS MAILING

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I hereby certify that the attached **Transmittal Letter (in duplicate); Appeal Brief including table of contents and Appendix A (in triplicate); and Post cards for return by the United States Patent and Trademark Office**, are all being deposited with the United States Postal Service addressed to the Commissioner for Patents, Washington, D.C. 20231, via Express Mail No. EV 175422671 US, on this 27th day of January 2003.

By: 
Gregory W. Osterloth, Reg. No. 36,232



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard A. Ross

Confirmation No.: 2885

Application No.: 09/602,713

Examiner: Hosain T. Alam

Filing Date: 06/26/2000

Group Art Unit: 2172

Title: METHODS FOR PROCESSING CONDENSED COMPUTER CODE

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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TRANSMITTAL OF APPEAL BRIEF

Technology Center 2100

Sir:

Transmitted herewith in **triplicate** is the Appeal Brief in this application with respect to the Notice of Appeal filed on 11/25/2002.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$320.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$110.00
() two months	\$410.00
() three months	\$930.00
() four months	\$1450.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$320.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231. Date of Deposit: _____

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Respectfully submitted,

Richard A. Ross

By _____

Gregory W. Osterloth, Esq.

Attorney/Agent for Applicant(s)

Reg. No. 36,232

Date: 01/27/2003

Telephone No.: (303) 291-3200